

**From:** Carlin, Jayne  
**To:** Allison Castellan - NOAA Federal; Psyk, Christine  
**CC:** Byrne, Jennifer; Croxton, Dave; Wayne, Don; Hall, Lynda; Henning, Alan; Wu, Jennifer; Jeff Dillen - NOAA Federal; Sweeney, Stephen  
**Sent:** 5/5/2014 12:21:22 PM  
**Subject:** RE: Draft Ideas for Talking points with NWEA on May 7th

We will need to define what action we will be completing by the “extension” date—a final decision to disapprove or proposed decision to approve? As you know, we may not be able to make a final approval decision within 120 days—given we will need to provide another public comment period.

Jayne

Jayne Carlin, Watersheds Unit  
US EPA, Region 10  
1200 6th Ave, Suite 900 (OWW-134)  
Seattle, WA 98101-3140  
(206) 553-8512, (206) 553-0165 (fax)  
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

**From:** Allison Castellan - NOAA Federal [mailto:allison.castellan@noaa.gov]  
**Sent:** Friday, May 02, 2014 12:42 PM  
**To:** Psyk, Christine  
**Cc:** Carlin, Jayne; Byrne, Jennifer; Croxton, Dave; Wayne, Don; Hall, Lynda; Henning, Alan; Wu, Jennifer; Jeff Dillen - NOAA Federal; Sweeney, Stephen  
**Subject:** Re: Draft Ideas for Talking points with NWEA on May 7th

# Ex. 5 - Attorney Client

On Thu, May 1, 2014 at 6:38 PM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

Allison, Appreciate your help with these. Here are some thoughts that you can embellish, tweak, add to, etc.

- The federal agencies will need an extension to the May 15, 2014 schedule to make a decision on the Oregon CZARA coastal nonpoint pollution control plan.
- The federal agencies received 85 public comments. Many comments are substantial and include lengthy attachments for our consideration, including NWEA’s 83 page comment letter and 847 attached documents.
- Oregon also provided an 80+ page submittal that we must consider.
- To do a thorough and thoughtful review and allow for internal deliberations and senior management briefings, we will need an extension until January 30, 2015 to make our decision.

## Ex. 5 - Deliberative

· The federal agencies believe withholding grant funds is appropriate and consistent with statute and regulations only when the Agencies make a decision to disapprove a state's coastal nonpoint pollution plan. We have not yet made a determination about the State's program.

· We have told the State that we will impose penalties and withhold funds if and when we make a disapproval determination. To impose penalties before a determination is made is premature.

· The State is counting on the FY14 grant funds to fund many deserving projects. (Dave Croxton's staff will put together some info. on the amount of 319 funds we would expect to award to Oregon in FY14 and the queue of projects waiting to be funded. We can discuss some of the impacts withholding funds would have on these projects and how that might be perceived as not playing "fair" when the Agencies haven't even made a decision. Might be useful to also have some talking points about impact of withholding 306 funds.)

## Ex. 5 - Deliberative

Again, Allison, thanks for your help with these.

Christine Psyk

Associate Director, R10 OWW

206-553-1906

psyk.christine@epa.gov

--

~>< ~>< ~>< ~>< ~>< ~><

Allison Castellan

Coastal Management Specialist

Office of Ocean and Coastal Resource Management N/ORM3

National Oceanic and Atmospheric Administration, SSMC4

Silver Spring, MD 20910

Phone: 301-563-1125

Fax: 301-713-4004

allison.castellan@noaa.gov

http://coastalmanagement.noaa.gov